



# **STATE MINING AND GEOLOGY BOARD**

## **EXECUTIVE OFFICER'S REPORT**



ARNOLD  
SCHWARZENEGGER  
GOVERNOR

**For Meeting Date: October 14, 2010**

### **Agenda Item No. 7: Approval of the State Mining and Geology Board's Annual Report for 2008-2009.**

**INTRODUCTION:** Existing law requires various written reports to be prepared and submitted by State and local agencies to the Legislature and the Governor. The State Mining and Geology Board (SMGB) is legislatively mandated to prepare annual reports to the Legislature pursuant to the Surface Mining and Reclamation Act of 1975 (SMARA). In 2000, such reports were legislatively mandated to be deferred until January 1, 2008, as supported by AB 79 (Dutra, Chapter 409, Statutes of 2004), during the 2004 legislative session. Such reports are typically due by December 1. No annual reports were prepared during the period from July 2000 to June 2008. The Executive Officer has prepared the SMGB's annual report for 2008-2009 which summarizes salient elements from previous years. This report is being considered for approval by the SMGB, prior to being finalized and distributed, as appropriate.

**STATUTORY AUTHORITY:** The Surface Mining and Reclamation Act of 1975 (SMARA), Public Resources Code (PRC) , Division 2, Chapter 9, Section 2710 et seq. requires the SMGB to provide an annual report on actions taken pursuant to SMARA, and specifically, PRC Section 2717(a) states:

*"The board shall submit to the Legislature on December 1st of each year a report on the actions taken pursuant to this chapter during the preceding fiscal year. The report shall include a statement of the actions, including legislative recommendations, that are necessary to carry out more completely the purposes and requirements of this chapter."*

**BACKGROUND:** Annual Reports are prepared for the State Legislature pursuant to PRC Section 2717(a). In 2000, such reports were legislatively mandated to be deferred until January 1, 2008, as supported by AB 79 (Dutra, Chapter 409, Statutes of 2004), during the 2004 legislative session. Such reports are typically due by December 1.

The SMGB's Annual Report for 2008-2009 summarizes salient activities, events and achievements during this seven year period. Since the annual report is more retrospective in nature, legislative recommendations have been omitted, with the intent to include such recommendations as part of the forthcoming 2009-2010 Annual Report.



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At its March 11, 2010, regular business meeting, the SMGB moved to accept the SMGB's draft 2008-2009 annual report, and directed the Executive Officer to forward the draft to the Governor's Office for approval, prior to finalization and distribution. On April 28, 2010, the annual report was forwarded as a Governor's Office Action Request (GOAR) on April 28, 2010. The annual report was subsequently approved by the Cabinet Secretary on September 13, 2010.

**EXECUTIVE OFFICER'S RECOMMENDATIONS:** A final draft of the SMGB's 2008-2009 annual report is provided in Exhibit A. It is the Executive Officer's recommendation that the SMGB approve its Annual Report for 2008-2009, and finalize and distribute, as appropriate.

**SUGGESTED MOTION LANGUAGE:** The Executive Officer offers the following motion for the SMGB's consideration:

Motion – To recommend approval of the SMGB's 2008-2009 annual report:

*Mr. Chairman, in light of the information before the State Mining and Geology Board today, I move that the Board approve its 2008-2009 annual report, and direct the Executive Officer to distribute such report, as appropriate.*

Respectfully submitted:

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Stephen M. Testa  
Executive Officer

## **EXHIBIT**

### **EXHIBIT A: SMGB'S DRAFT 2008-2009 ANNUAL REPORT**

